

1 City of Kankakee

2 PLANNING BOARD

3  
4 Tuesday, June 21, 2011

5  
6  
7 TRANSCRIPT OF PROCEEDINGS had in the  
8 above-entitled matter, taken before DEBRA K.

9 TURRELL, a CSR and Notary Public within and for the  
10 State of Illinois, at 385 East Oak Street, Kankakee,  
11 Illinois, commencing at the hour of 7:00 p.m., on  
12 June 21, 2011.

13  
14 PRESENT:

15 Chairman Loretto Cowhig  
16 City Planner Cliff Cross (via telephone)

17 Members Present:  
18 Willie Ames  
19 Edwin Eckhardt  
20 Carole Franke  
21 Rayleen Harris  
22 Berry McCracken  
23 Chip Rorem  
24

1           CHAIRMAN COWHIG: I will call the meeting to  
2 order.

3                   Mr. Cross is not with us physically  
4 but he is by telephone, so he will keep us on the  
5 straight and narrow.

6                   Mr. Cross, can you call the roll, or  
7 should I do that?

8           MR. CROSS: I can call it, if you want.

9           CHAIRMAN COWHIG: Okay, go ahead.

10          MR. CROSS: Edwin Eckhardt.

11          MR. ECKHARDT: Here.

12          MR. CROSS: Carole Franke.

13          MS. FRANKE: Here.

14          MR. CROSS: Rayleen Harris.

15          MS. HARRIS: Here.

16          MR. CROSS: Marsha Lloyd. Berry McCracken.

17          MR. MCCRACKEN: Here.

18          MR. CROSS: Debra Terrill.

19                   Deb is out of town this week; she did  
20 contact me.

21          CHAIRMAN COWHIG: That's right.

22          MR. CROSS: Chip Rorem.

23          MR. ROREM: Here.

24          MR. CROSS: Willie Ames.

1 MR. AMES: Here.

2 MR. CROSS: Loretto Cowhig.

3 CHAIRMAN COWHIG: Here.

4 MR. CROSS: We have a quorum.

5 CHAIRMAN COWHIG: Thank you.

6 We have the minutes of our May 17  
7 meeting; they were attached. Does anyone have any  
8 corrections or questions or comments? If not, we  
9 will add those to our record. Thank you.

10 Communications. Do we have anything,  
11 Mr. Cross?

12 MR. CROSS: No new communications at this  
13 time.

14 CHAIRMAN COWHIG: Okay. City Council action.  
15 As you know if you read this evening's paper, the  
16 Council considered case number 11-05 last night.  
17 That was the conditional use permit requested to  
18 allow a crematorium on Grinnell Road. It had been  
19 considered at the previous meeting and on first  
20 reading passed by the vote was 7 to 7, and the Mayor  
21 cast a tie-breaking vote in favor of it.

22 Last night one Council member was  
23 absent and the vote was 6 in favor and 7 opposed, so  
24 it was defeated on second reading. So that's where

1 we stand on that case.

2 I have another question that was on  
3 the agenda, Mr. Cross. There was acreage, 117 acres  
4 near the airport. Should that have come to us for  
5 consideration of its zoning designation? That has  
6 happened in the past, it seems to me.

7 MR. CROSS: Yeah. I first learned about that  
8 Thursday and I did speak with Mr. Power concerning  
9 that. He had indicated that -- because I had a  
10 couple of concerns. A, I had a concern of the  
11 assignment of an underlying zoning district and, b,  
12 I also wanted to make sure that all electors and  
13 fire protection districts were contacted in  
14 accordance with the statute. Mr. Power assured me  
15 that, yes, the electors were contacted, the fire  
16 protection districts were contacted via public  
17 notice per the statute. And then, also, they had  
18 not assigned an underlying zoning district. And I  
19 indicated to them, you know, my wish is it would  
20 come before the Board, but they felt like they could  
21 move forward with it without following that process.  
22 So my recommendation to them was that we, at the  
23 very least, assign the least intense zoning district  
24 that we have, which is R-1 single-family



1 residential, and then they would have to put a  
2 provision in there that the agricultural use would  
3 continue as the legal non-conforming use unless  
4 there was an official request in the future to come  
5 in and rezone the property.

6 My understanding the only use of that  
7 property would be to serve as a buffer for the  
8 airport, which means that they will want to continue  
9 the agricultural operation.

10 I did, I said my wish would have been  
11 to have followed the full process, bring it before  
12 the Planning Board, but they were comfortable in  
13 following the statute per annexation in the state by  
14 just taking it directly to the Council, as long as  
15 notice was provided.

16 CHAIRMAN COWHIG: Thank you.

17 That brings us to unfinished  
18 business. These are two cases that have been on our  
19 agenda for some months. The first is number 11-02.  
20 The applicant is Phyllis Redmond, who is seeking a  
21 change of zoning from R-1 to R-2 for property at 230  
22 to 232 South Fraser in order to accommodate two  
23 legal non-conforming dwelling units.

24 Who is the spokesman for this case?

1 MR. GROTEVANT: Jeff Grotevant for Phyllis  
2 Redmond.

3 CHAIRMAN COWHIG: Okay. Bring us up-to-date  
4 on what has happened since we last saw you.

5 MR. GROTEVANT: Mrs. Redmond --

6 CHAIRMAN COWHIG: Mr. Cross, can you do that?

7 MR. CROSS: An update?

8 CHAIRMAN COWHIG: Uh-huh.

9 MR. CROSS: I did follow up with Mr. Power.  
10 As you recall, last month the position of the legal  
11 department was an agreement entered originally back  
12 in I believe 2002, and they felt like Mrs. Redmond  
13 needed to honor that agreement or get rezoning of  
14 the property. It felt new waivers, so to speak, or  
15 new agreement would be inappropriate because she  
16 already made an agreement back in 2002. And, in  
17 fact, neighbor next to her has honored their  
18 agreement to convert that back to a garage. They  
19 felt like it wouldn't be right to go ahead and enter  
20 into another agreement based on, I guess, a  
21 non-compliance with an original agreement. So,  
22 therefore, based on that, they said the process of  
23 either, a, she obtain the rezoning or, b, if she  
24 does not then she'll be forced to convert back

1 through the court system if she does not do it  
2 voluntarily.

3                   And after reading through the file  
4 and speaking with the legal department, from a  
5 planning standpoint I definitely agree that an  
6 agreement was made and it's Mrs. Redmond's  
7 obligation to convert back per the original  
8 agreement. Furthermore, based on the underlying  
9 zoning and the uses around it, the planning  
10 department is opposed to any rezoning that would  
11 create a more intense residential zoning class to  
12 what is already there. So, long story short, we are  
13 opposed to the request for the rezoning.

14           CHAIRMAN COWHIG: The ball is in your court.

15           MR. GROTEVANT: I'll give you an update of  
16 what I know. Mrs. Redmond is in the hospital  
17 tonight so she can't be here.

18           CHAIRMAN COWHIG: I'm sorry to hear it.

19           MR. GROTEVANT: I brought a copy of the zoning  
20 map out of the City book because I like pictures and  
21 I think if I give everybody a picture it's easier  
22 for me to explain. What I marked there, I  
23 highlighted, the yellow spot is Mrs. Redmond's house  
24 on Fraser Avenue.



1                   Mr. Cross just spoke about the  
2 neighbor to the south. The neighbor to the south  
3 has a house that's converted into two units plus  
4 they had what was the Gilbert brothers built their  
5 garage there also that made it into a house. Their  
6 agreement was to quit using the back garage. They  
7 still have a house that has two units just to the  
8 south.

9                   To the north on the street, just to  
10 the north of Merchant, if you go to the north and  
11 you go a little, a half a block to the east,  
12 Mr. Serafini has two apartment buildings. Those are  
13 an R-1 zoning district. If you look behind  
14 Mrs. Redmond's house to the back, there's two vacant  
15 lots. And then on the other side of the two vacant  
16 lots is C-1, which is commercial. Just two houses.  
17 To the south of her along Station Street is all  
18 commercial.

19                   Now, if you've driven out in that  
20 area you know that it may be zoned as commercial but  
21 that street is lined with houses where people live.  
22 I'm of the opinion this is a mixed use area, it  
23 always has been, it's always going to be.

24                   Back in the '70s, or whenever this



1 was, somebody had to draw these lines and come up  
2 with these zoning destinations, okay. I suspect it  
3 was probably the person in Mr. Cross's position at  
4 the time was tasked the assignment of going out and  
5 coming up with a map, and then he brought that back  
6 to a committee such as this, or Zoning Board, excuse  
7 me, and they approved the map. Well, it was  
8 completely arbitrary because there was all kinds of  
9 uses.

10                   And, yes, Mrs. Redmond, in 2002 this  
11 issue came up and Mrs. Redmond had no choice. She  
12 was told by the attorneys for the Village at the  
13 time, and two of them are still there, and that  
14 there was no way we are going to rezone this, so she  
15 felt she had no other choice. And at the time she  
16 signed the agreement expecting there would be a new  
17 Mayor, administration, new legal counsel, and this  
18 would probably go away, she could stay until she  
19 passed away. That is what she wants to do.

20                   She has a rental license for the  
21 front house. She keeps her property up. She just  
22 got a permit not long ago to have some work done to  
23 the front house. She keeps her property up. It's  
24 really nice-looking property. And we're basically

1 asking that this Board allow her to stay there until  
2 she passes away.

3 At that time, you know, we can  
4 make -- we talked about this two meetings ago when  
5 we were first here asking for a special something, I  
6 don't know what Mr. Cross called it at that time, I  
7 don't recall. But, you know, she's a 71-year-old  
8 lady. She has Social Security and she has income  
9 from the front house. That's what she lives on.

10 There's multiple other houses within  
11 blocks there that are also houses that are  
12 originally built as single family houses that's  
13 split into two units. That's a trend that's gone on  
14 in that area for a long time.

15 And I guess just the final thing I  
16 have to say, I want to tell you a story about what  
17 happened to me. The last time I was here I was on  
18 jury duty. I could not believe I got picked for  
19 jury duty, I thought certainly some lawyer is going  
20 to kick me off the jury. Well, the case was a  
21 driving while revoked. There was nothing else,  
22 there was no DUI, there was nothing else, so it  
23 seemed kind of strange to me from the git-go.

24 They had the most rookie State's

1 Attorney, and the defense attorney is a guy that has  
2 a reputation of plea bargaining all his cases. And  
3 I'm thinking to myself why is this case here. And  
4 so the trial starts, we hear the evidence. The  
5 State has the one police officer, the defense has  
6 himself plus four additional witnesses.

7 Well, the story was the guy was  
8 behind his vehicle checking on the boat he was  
9 towing because he heard the safety chains rattling  
10 when the police officer pulled up. And on  
11 cross-examination the police officer hesitated when  
12 asked where was the driver when you pulled up. And  
13 the police officer hesitated. And that, plus the  
14 other four witnesses, was enough for the verdict to  
15 go not guilty.

16 And I was thinking about this and I  
17 says why would the State just not, why didn't the  
18 State just dismiss the case -- it obviously had a  
19 bad set of factual circumstances. Well, what if  
20 they dismissed it and he went out tomorrow and  
21 killed somebody on a revoked license. That's why  
22 the State does not dismiss cases, it's political  
23 suicide.

24 I think we're in the same position



1 here today. The City, Mr. Cross and the legal  
2 attorney and the City Council, they can't afford to  
3 just say okay, Mrs. Redmond, we'll do what you want.  
4 But this Zoning Board is like the jury. They would  
5 rather have the jury make a decision and lose, in my  
6 case when I was a juror, than just go ahead and  
7 dismiss the case with bad facts.

8                   We have a bad factual situation here.  
9 There's all kinds of houses in this neighborhood  
10 that are two units in an R-1 zoning. We're two lots  
11 away from commercial. We have Mr. Serafini's  
12 apartment that's four lots away. Certainly that  
13 building was there in the mid-70s when they made  
14 these maps, so why didn't they make that an R-3 at  
15 the time? That's, I don't know, that's a six-unit  
16 building. You know what I'm talking about, you are  
17 a realtor here. It's a six-unit building sitting  
18 there and it's in R-1 zoning. So how do they make a  
19 map and put a six-unit apartment building in an R-1  
20 district?

21                   I would conclude that this map was  
22 totally arbitrary when it was drawn; nobody got all  
23 the factual information. And so we're simply asking  
24 that this Board allow Mrs. Redmond to stay in her



1 property so long as she lives. You can put a  
2 restriction if she sells it, somebody else inherits  
3 it, we don't care. She would like to stay for the  
4 rest of her life.

5 CHAIRMAN COWHIG: The agreement was made in  
6 2002?

7 MR. GROTEVANT: Yes.

8 CHAIRMAN COWHIG: And what was the term of the  
9 agreement?

10 MR. GROTEVANT: She had to seek rezoning.

11 CHAIRMAN COWHIG: But there was some deadline.

12 MR. GROTEVANT: Five years.

13 MR. CROSS: The terms of the agreement, to my  
14 best recollection, was Mrs. Redmond had an option to  
15 utilize that as a two-unit. It was an official  
16 waiver, it was an agreement that was approved by the  
17 City Council. What the agreement was that, a,  
18 Mrs. Redmond had five years to apply for rezoning  
19 and obtain a rezoning to legally continue that use  
20 or, b, to be converted back to a single-family  
21 residence or to its original non-conforming state  
22 before the illegal conversion took place which  
23 illegally converted the garage to a residential  
24 dwelling. She had five years to do that.

1                   Five years passed. She has not  
2 deconverted it nor has she obtained a rezoning. We  
3 did determine that she had not done that, so we  
4 filed action to get it deconverted through the  
5 court, and that is when it came about that  
6 Mr. Grotevant came and represented Mrs. Redmond to  
7 apply for rezoning of the property, after the  
8 agreement had ceased.

9                   The City was willing to give them the  
10 opportunity to do that. But, in reviewing it, the  
11 underlying zoning does not accommodate an R-2. So  
12 that's where the recommendation is coming into play.  
13 You would be spot zoning to accommodate an illegal  
14 conversion.

15           CHAIRMAN COWHIG: So Mrs. Redmond had the five  
16 years and then she's had a bonus four years?

17           MR. CROSS: Yeah, she's had more than what,  
18 yeah, she's had bonus time, yeah, yeah.

19           MR. GROTEVANT: But, you know, I can stand and  
20 talk to Pat Powers and Chris Bohlen and they're  
21 going to look me eye to eye and say we're never  
22 going to allow that, and they've been saying that  
23 since 2002. But they're not going to come here and  
24 say that tonight she was never getting this, what

1 she wanted.

2                   We have here an elderly lady that has  
3 limited income living in a place she inherited. It  
4 was never built as a garage, it was always built as  
5 a house. The fact is, the Gilbert brothers were  
6 personal friends with the Mayor at the time, which I  
7 believe was Russ Johnson. I don't know who was in  
8 the City Planning Department at that time. They  
9 were friends with that person also, whoever that  
10 person was. And, for some reason, the ball got  
11 dropped. The house was built on a permit to build a  
12 garage. So these are all just technicalities, from  
13 my point of view.

14                   I don't know, you say it's a slippery  
15 slope, we change one and then you got a whole bunch  
16 of others. Well, no, it's a case by case basis; you  
17 judge everyone on its own merits. If you guys just,  
18 if that's all you did was just went with what the  
19 legal department and the City Planner said, you are  
20 nothing more than a rubber stamp. I believe you're  
21 here to make decisions, and sometimes those  
22 decisions are contrary to what the recommendation of  
23 the City Planner is, or even the legal department.  
24 Sometimes you're just here to do what the right



1 thing is. And Mrs. Redmond needs a place to live.  
2 She can't live in the front house, there's stairs.  
3 So the back house is a ranch.

4 CHAIRMAN COWHIG: What is your pleasure?

5 MR. AMES: I have a question.

6 MR. GROTEVANT: Yes.

7 MR. AMES: The garage, you mentioned that she  
8 had a garage and then it turned out to be a house?

9 MR. GROTEVANT: No, they got a building permit  
10 to build a garage but, instead, they built a house.

11 MR. AMES: Okay. That seems like they trying  
12 to, I don't know, the reason why they got a permit  
13 for a garage and then it turned out to be a house,  
14 did they go and reapply for another permit?

15 MR. GROTEVANT: There's nothing in the  
16 records. That is an issue with me, because there is  
17 a lack of records.

18 MR. AMES: So that makes everything you say  
19 kind of like wishy washy, because you criticize the  
20 zoning, but the permits calls for a garage.

21 MR. GROTEVANT: Yes.

22 MR. AMES: And it's a house.

23 MR. GROTEVANT: Correct.

24 MR. AMES: So that means the map, according to



1 legal, which is what we have to go by when you draw  
2 a map, then she was wrong.

3 MR. GROTEVANT: No, she wasn't wrong, she  
4 inherited this.

5 MR. AMES: Whoever, it was was wrong, get a  
6 permit for a garage and building a ranch style  
7 house.

8 MR. GROTEVANT: You know --.

9 MR. AMES: That's like going to a Cadillac  
10 dealer and buy a brand new Cadillac and end up with  
11 a U boat. You looking for one thing and you get  
12 another.

13 MR. GROTEVANT: Right. But I wasn't here in  
14 Kankakee.

15 MR. AMES: I wasn't either. I was listening  
16 to your testimony. That's all we have to go on.

17 MR. GROTEVANT: That's closing argument.

18 MR. AMES: And you tell us to ignore our, you  
19 are asking us not to listen to our legal department?

20 MR. GROTEVANT: I'm asking you -- this goes  
21 back to what we discussed the first time we were  
22 here. We discussed --

23 MR. AMES: The first time?

24 MR. GROTEVANT: -- some sort of waiver.

1 Mr. Cross had a name for it. I think he called it a  
2 waiver.

3 CHAIRMAN COWHIG: It was to allow the  
4 continuation of a non-conforming use.

5 MR. AMES: To allow non-conforming, and we  
6 were almost going to allow until we got more  
7 information and then it was tabled to get more  
8 information on it, and this is where we are now.  
9 And the more information we got is that the hardship  
10 was caused by whomever built the house in place of a  
11 garage. I don't understand that.

12 MR. GROTEVANT: You are looking at your map.  
13 How can you say that the house right next to it,  
14 that's a two-unit house.

15 MR. AMES: Well, during that time of Russell  
16 Johnson people were splitting up houses whether they  
17 came before this Board, before they came to this  
18 Board. We inherited a lot of stuff we're trying the  
19 cleaning up.

20 MR. GROTEVANT: I'm not here to try to throw  
21 dirt, okay. But alls I'm saying is there's a six-  
22 unit apartment building in an R-1 -- how did that  
23 happen? That apartment building is one. If you go  
24 straight north to Merchant Street --

1 MR. AMES: I know where it's at.

2 MR. GROTEVANT: -- and a block over, that's  
3 Serafini's apartment building. That's an R-1. How  
4 did that happen?

5 MR. AMES: This is a permit for a garage and  
6 built a house. I don't know.

7 MR. GROTEVANT: If this was the almighty law,  
8 it was perfect in accuracy, I wouldn't be talking  
9 about Serafini's apartment building four lots away.

10 So what I'm saying is just because  
11 somebody drew this map and just because some City  
12 Council passed it as the zoning map doesn't mean  
13 it's absolute. And what I'm suggesting here is this  
14 Board has the ability to say, well, we're going to  
15 make a special, this is a special circumstance,  
16 we're going to make a special rule, we're going to  
17 give a waiver, allow her to stay. That's what we're  
18 asking for.

19 CHAIRMAN COWHIG: Mr. Cross.

20 MR. CROSS: Yes, ma'am.

21 CHAIRMAN COWHIG: Does this Board have the  
22 authority to grant the waiver or do we only advise  
23 the City Council?

24 MR. CROSS: You only advise. You don't have

1 the authority to grant a waiver. That's why it came  
2 to the Council originally. That's got to be an  
3 action that basically supercedes the zoning  
4 ordinances. And you have the ability on variances,  
5 but not on something like this. This is a use  
6 issue.

7 CHAIRMAN COWHIG: Okay. So whether the  
8 recommendation is to grant the variance, to refuse  
9 the variance, or to recommend a continuation of the  
10 agreement for the remainder of her life in that  
11 house.

12 MR. CROSS: You can send that recommendation,  
13 yes, you have the right to send that recommendation  
14 to the City Council.

15 CHAIRMAN COWHIG: Those are the three  
16 alternatives, but in all three cases ours is just a  
17 recommendation?

18 MR. CROSS: Yes, absolutely. This is not a  
19 variance eligible.

20 CHAIRMAN COWHIG: Does anyone see any other  
21 alternatives, or are those the three that we have?

22 MS. FRANKE: Could you repeat them?

23 CHAIRMAN COWHIG: Either to recommend the  
24 waiver to allow the recommendation of the



1 non-conforming use.

2 MR. CROSS: Just, Chairman Cowhig, it's not a  
3 non-conforming use. That's the issue, because it  
4 was never legally established to become a legal  
5 non-conforming use, so it would just simply have to  
6 be a waiver to the use of that property as a  
7 three-unit, two-unit, whatever it is. I don't have  
8 my --

9 CHAIRMAN COWHIG: That is an important  
10 distinction.

11 MR. CROSS: What's that?

12 CHAIRMAN COWHIG: Between the non-conforming  
13 use and what's not a non-conforming use.

14 MR. CROSS: It's a very important distinction,  
15 absolutely, because it starts to take precedent on  
16 rebuild issues and the whole nine yards.

17 CHAIRMAN COWHIG: Back to the three  
18 alternatives. One is to recommend allowing a waiver  
19 to allow the continuation of what would otherwise be  
20 illegal use, or to recommend denial of the waiver  
21 and insist on the removal of the illegality, or to  
22 recommend some continuation of the agreement to  
23 allow her to remain in the house for some specified  
24 period of time. Those are the three basic

1 alternatives I see.

2 MR. CROSS: One option that I would need to  
3 present to the record because, in fairness to  
4 Mrs. Redmond, my understanding is, and Mr. Grotevant  
5 correct me if I'm wrong here, she's utilizing the  
6 garage as a residence. She actually stays in that  
7 because of the accessibility issues; is that  
8 correct?

9 MR. GROTEVANT: That's correct.

10 MR. CROSS: Okay. We have an alternative to  
11 that. The City Community Development Agency has  
12 assistance for building to citizens, building access  
13 ramps to structures which are otherwise not  
14 accessible. So I think what you need to consider in  
15 this whole matter is that I don't think it's right  
16 to say the decision based on the accessibility issue  
17 of the garage, because there's an alternative there,  
18 okay. I just want to make that clear.

19 CHAIRMAN COWHIG: Well, that might or might  
20 not be feasible to make the principal house  
21 accessible, because it's more than just a ramp.

22 MR. GROTEVANT: It's a two-story house.

23 CHAIRMAN COWHIG: It's location of the  
24 bathrooms, the windows, the doors, all kinds of

1 things.

2 Those are the three basic  
3 alternatives. Does anybody have anything else?

4 MR. ROREM: I'd like a clarification on the  
5 extension of the agreement. What agreement are we  
6 extending if we would go --

7 CHAIRMAN COWHIG: The agreement that expired  
8 four years ago, which was to allow her to remain in  
9 the house for five years, by the end of which time,  
10 which would have been roughly 2007, she was supposed  
11 to have either discontinued the second unit or  
12 obtained a rezoning.

13 MR. ROREM: And this agreement was between her  
14 and --

15 CHAIRMAN COWHIG: The City.

16 MR. ROREM: -- the City.

17 MR. GROTEVANT: The City, yeah.

18 MR. CROSS: That is correct, because --

19 CHAIRMAN COWHIG: And the deadline was  
20 sometime in 2007.

21 MR. CROSS: That is correct, because that unit  
22 next to Mrs. Redmond's property, single-family  
23 residence and the garage which was the illegal  
24 conversion, as I recall, actually had original

1 two-unit non-conforming use in the primary dwelling  
2 and, at the same time, the garage was illegally  
3 converted. That garage has since been converted  
4 back to a garage to where there is a two-unit on the  
5 neighboring property.

6 The situation was, I think, two  
7 brothers owned the two properties, the one  
8 Mrs. Redmond owned now -- and I'll make this clear,  
9 she didn't take part in the illegal conversion, so  
10 she's not part of that.

11 MS. FRANKE: So, really, Ms. Redmond, due to  
12 no fault of her own, she inherited the property and  
13 it came with all of these problems.

14 MR. GROTEVANT: Yes.

15 MS. FRANKE: I have a question. If we would  
16 recommend to allow the waiver, can we put the  
17 condition that, as was suggested, this would only be  
18 for the lifetime of Ms. Redmond? Then it would  
19 still remain the R-1 single-family zoning.

20 CHAIRMAN COWHIG: Did you hear that Mr. Cross?

21 MS. FRANKE: Did you hear me, Mr. Cross?

22 MR. CROSS: If I heard it correctly, she  
23 recommended a continuance of the original agreement  
24 for the lifetime that Mrs. Redmond occupies the



1 residence, right?

2 CHAIRMAN COWHIG: She didn't recommend, she  
3 asked whether we could do it with that timeframe.

4 MR. CROSS: Sure, you can put that, yeah,  
5 absolutely, absolutely.

6 MR. ROREM: Two things are being said here,  
7 the lifetime of Ms. Redmond and the occupancy of the  
8 residence by Ms. Redmond. I believe that if  
9 Ms. Redmond goes into the nursing home and lives for  
10 eight years in a nursing home, she would get double  
11 income on this property and comply. So I think  
12 we're talking about here as long as she lives on the  
13 property.

14 MR. GROTEVANT: Yeah, that's what we offered,  
15 as long as she lives.

16 MR. ROREM: On the property.

17 MR. GROTEVANT: On the property.

18 MR. ROREM: If she goes into care, the deal is  
19 done.

20 MS. FRANKE: That's a good point.

21 MR. AMES: Yes, that's good.

22 CHAIRMAN COWHIG: So, in effect, what we're  
23 considering is an extension of the agreement, or  
24 resumption of the agreement.

1 MR. AMES: With the exceptions.

2 CHAIRMAN COWHIG: As long as she occupies --

3 MS. FRANKE: Occupies the residence.

4 MR. GROTEVANT: Yes.

5 MS. FRANKE: Then there would be no change in  
6 the zoning, which we would not agree with.

7 CHAIRMAN COWHIG: Mr. Cross, what precedent  
8 would that set in regard to other properties in the  
9 neighborhood?

10 MR. CROSS: I'm sorry, what was that?

11 CHAIRMAN COWHIG: What precedent would that  
12 set in regard to other properties in the  
13 neighborhood with similar problems?

14 MR. CROSS: Well, because you are not rezoning  
15 the property, like I said before, I'm not opposed  
16 to, I'm opposed to the rezoning itself. The  
17 precedent you would set by a waiver, I really don't  
18 think you would set much of a precedent in the fact  
19 this was no more than a precedent that was  
20 originally set by the original agreement.

21 So I guess the answer I can give you  
22 on that is I don't think you'd be adding any  
23 additional, taking any action that would, you know,  
24 further set a precedent than has already been set.

1 I just want to make sure we don't get into practice  
2 for allowing waivers to allow for illegal actions.  
3 This has already been part of an original agreement.  
4 So I don't think you are adding any additional  
5 precedent to what's there.

6 I think we need to be clear that  
7 Ms. Redmond is not part of the illegal action.

8 MR. ROREM: We don't know that.

9 MS. FRANKE: She inherited it.

10 MR. ROREM: But as terms of whether or not she  
11 was part of it, we don't know that.

12 CHAIRMAN COWHIG: Anyone ready to make a  
13 motion?

14 MS. FRANKE: What would be the findings in  
15 this case?

16 MR. AMES: We don't need any findings.

17 MR. CROSS: I think how you would have to  
18 handle it, you would have to make findings on the  
19 rezoning request and make findings that you are not  
20 accepting the rezoning based on it's not been in  
21 compliance; but as part of that, however, we have no  
22 objection to a continuance of the agreement. That  
23 would be my suggestion.

24 CHAIRMAN COWHIG: The initial application was



1 for rezoning.

2 MS. FRANKE: Right.

3 MR. CROSS: Yeah, you have to take action to  
4 that.

5 CHAIRMAN COWHIG: We need to specifically make  
6 a recommendation on that, and then whatever  
7 additional comments we make.

8 MS. FRANKE: All right. I'm ready to make a  
9 motion. In the case of PB 11-02, an application by  
10 Phyllis Redmond to rezone the property commonly  
11 known as 230 through 232 South Fraser from a R-1  
12 single-family zoning class to an R-2 two-family  
13 zoning class to accommodate two legal non-conforming  
14 dwelling units, I motion that we deny the request  
15 for the rezoning as this map amendment would not be  
16 consistent with the spirit, purpose and intent of  
17 the City's official Comprehensive Plan, and that the  
18 suitability of the property is really not  
19 appropriate for the existing R-1 classification, and  
20 the trend of the development in the general area is  
21 looking at maintaining an R-1. But that we do  
22 recommend to City Council that the waiver be  
23 continued for use of the property as a three-unit --  
24 is it three-unit -- as a two-unit as long as

1 Ms. Redmond is in occupancy of the property.

2 CHAIRMAN COWHIG: Is there a second?

3 MR. ROREM: Do we not have to make that two  
4 separate motions? We vote on the first one and deny  
5 it, we vote on the second one to approve the  
6 extension.

7 CHAIRMAN COWHIG: I have no objection to doing  
8 it that way, but I don't think we have to.  
9 Possibly, to avoid any confusion.

10 MS. FRANKE: Let me withdraw it. Can you just  
11 redo my motion up to the part and not do the -- so I  
12 will stop with that motion.

13 CHAIRMAN COWHIG: Everything after however.

14 MS. FRANKE: Right.

15 CHAIRMAN COWHIG: There a second to the  
16 motion?

17 MR. AMES: I'll second the first one.

18 CHAIRMAN COWHIG: The motion by Ms. Franke,  
19 seconded by Mr. Ames, is to recommend denial of the  
20 requested change of zoning.

21 Any further discussion?

22 Mr. Cross, can you call the roll  
23 please?

24 MR. CROSS: I will. Edwin Eckhardt.

1 MR. ECKHARDT: Yes.

2 CHAIRMAN COWHIG: A yes vote is to deny.

3 MR. CROSS: Carole Franke.

4 MS. FRANKE: Yes.

5 MR. CROSS: Marsha Lloyd. Berry McCracken.

6 MR. MCCRACKEN: Abstain.

7 MR. CROSS: Debra Terrill. Chip Rorem.

8 MR. ROREM: Yes.

9 MR. CROSS: Willie Ames.

10 MR. AMES: Yes.

11 MR. CROSS: Loretto Cowhig.

12 CHAIRMAN COWHIG: Yes.

13 MR. CROSS: Could you give me a number on

14 that, Chairman Cowhig?

15 CHAIRMAN COWHIG: One abstention, six votes in

16 favor of the motion.

17 MR. CROSS: Six in favor of the --

18 MR. AMES: Denial.

19 CHAIRMAN COWHIG: Recommended denial.

20 MR. CROSS: Yeah, recommended denial.

21 MS. HARRIS: Loretto, I did not vote. I vote

22 yes.

23 CHAIRMAN COWHIG: Did you not call

24 Mrs. Harris's name?



1 MR. CROSS: Oh, Rayleen Harris, I did miss  
2 here. I'm sorry.

3 CHAIRMAN COWHIG: I included you in the six.  
4 I'm sorry.

5 MR. CROSS: My bad, I'm sorry, I missed her.

6 MS. FRANKE: In the case of PB 11-02, the  
7 property currently owned by Phyllis Redmond at  
8 230-232 South Fraser, I make a motion that we  
9 recommend to City Council that we continue the  
10 waiver for Ms. Redmond to use the property as long  
11 as she is in occupancy. Then it would revert back  
12 to the R-1.

13 CHAIRMAN COWHIG: Is there a second?

14 MR. ROREM: Second.

15 CHAIRMAN COWHIG: Motion by Ms. Franke,  
16 seconded by Mr. Rorem, to recommend that the City  
17 Council allow Ms. Redmond to remain in the property,  
18 and that it could be used for a two-unit as long as  
19 she is occupying one of them.

20 MR. CROSS: Okay.

21 CHAIRMAN COWHIG: Any further discussion?

22 MR. MCCracken: Is that ownership and  
23 occupancy or just occupancy?

24 CHAIRMAN COWHIG: Good point.

1 MR. ROREM: Should be both.

2 MR. CROSS: You ready for me to call the roll?

3 CHAIRMAN COWHIG: Not quite.

4 MS. FRANKE: To amend it to say as long as she  
5 has ownership, but also requiring occupancy.

6 CHAIRMAN COWHIG: Owns and occupies. Is that  
7 acceptable, Mr. Rorem?

8 MR. ROREM: Yes.

9 CHAIRMAN COWHIG: Do we all understand what  
10 the motion is?

11 Would you call the roll, Mr. Cross?

12 MR. CROSS: Yes. Edwin Eckhardt.

13 MR. ECKHARDT: Yes.

14 MR. CROSS: Carole Franke.

15 MS. FRANKE: Yes.

16 MR. CROSS: Rayleen Harris.

17 MS. HARRIS: Yes.

18 MR. CROSS: Marsha Lloyd. Berry McCracken.

19 MR. MCCRACKEN: Abstain.

20 MR. CROSS: Debra Terrill. Chip Rorem.

21 MR. ROREM: Yes.

22 MR. CROSS: Willie Ames.

23 MR. AMES: Yes.

24 MR. CROSS: Loretto Cowhig.

1 CHAIRMAN COWHIG: Yes.

2 MR. CROSS: Recommendation carries.

3 CHAIRMAN COWHIG: Okay, thank you.

4 MR. CROSS: This will be the second meeting in  
5 July by the time we can get it there because of the  
6 minutes, I'm sure they're going to want to view them  
7 as part of this request.

8 MR. GROTEVANT: Do we know when the date is?

9 CHAIRMAN COWHIG: The fourth is a Monday, so  
10 the 18th would be a Monday.

11 MR. GROTEVANT: July 18.

12 CHAIRMAN COWHIG: 18th of July.

13 MR. CROSS: Looks like it will be July 18.

14 MR. GROTEVANT: 7:00 p.m.?

15 CHAIRMAN COWHIG: Right.

16 MR. GROTEVANT: Thank you very much.

17 CHAIRMAN COWHIG: We hope Ms. Redmond is on  
18 the mend soon.

19 Second unfinished business case on  
20 our agenda is number 11-07. This is for property at  
21 1063 South Washington. The applicant is Paul Awa.  
22 He is requesting a change of zoning from C-2 service  
23 commercial to R-3 multiple family residential.

24 MR. STEFFEN: Good evening. The last time we



1 were here you were requesting to get a plat of  
2 survey so you could actually see the space where the  
3 parking would be. And the, it's my understanding  
4 that a typical parking space is nine foot, so that  
5 would be room for eight vehicles across the back of  
6 this property. And it's a three-unit, and my  
7 understanding is the recommendation is two parking  
8 spaces per unit, so it would fit in both of those  
9 categories.

10 CHAIRMAN COWHIG: So there's a total of nine  
11 spaces, did you say?

12 MR. STEFFEN: I'm saying it's 75 feet across  
13 the back of this -- lot of open space for parking  
14 cars. If you use a nine foot wide parking space,  
15 you could put in eight parking spaces.

16 CHAIRMAN COWHIG: Mr. Cross, would that be  
17 satisfactory, eight parking spaces off street?

18 MR. CROSS: Yeah, there would have to be off  
19 street, yes. Now, there are provisions that allow  
20 for some parking to be within 100 feet in  
21 residential neighborhoods, but it has to be provided  
22 on a separate lot and you have to have the  
23 permission of that property owner to use it.  
24 Generally, you don't see that a lot. See that a lot

1 more in commercial, talk about shared parking. But  
2 yeah, eight spaces.

3 MS. FRANKE: I was over there and I don't see  
4 any way you could get that many cars parked in there  
5 and be able to pull out safely.

6 MR. STEFFEN: Part of it is probably because,  
7 part of the parcel looks like it's the neighbor's  
8 property, but it's not.

9 MS. FRANKE: Well, that garage that is there.

10 MR. STEFFEN: No, it's not the garage. This  
11 over here, be on the north side, is that what you  
12 are talking about?

13 MS. FRANKE: Yes, the back of the alley.  
14 There is no way. We pulled a car in there, and  
15 there is no way, I don't see how you could get eight  
16 parking spots in there.

17 MR. STEFFEN: What I was saying is eight would  
18 be at nine foot across. We actually would only need  
19 six for a three-unit.

20 MR. ROREM: Seven. You need a guest spot.

21 MR. STEFFEN: Okay, a guest spot, right.

22 CHAIRMAN COWHIG: Is that regardless of the  
23 number of bedrooms in the units, Mr. Cross?

24 MR. CROSS: What's that? I'm sorry.

1           CHAIRMAN COWHIG: Is the number of parking  
2 spaces that is required regardless of the number of  
3 bedrooms in the units?

4           MR. CROSS: When you start talking two  
5 bedrooms, so you could have two bedrooms or four  
6 bedrooms, it's the same number required.

7           CHAIRMAN COWHIG: Okay, so seven is the  
8 requirement.

9           MR. CROSS: Three two-bedroom apartments, be  
10 two for each of them, and then one for every four.  
11 So seven would be the number that would be required,  
12 you are correct, because you need the one guest  
13 space. Now, bear in mind, yeah, seven would be the  
14 total, absolutely.

15          MR. AMES: Last time we were here we had  
16 questions on square footage.

17          MR. STEFFEN: Right.

18          MR. AMES: What's the actual square footage?

19          MR. STEFFEN: 4200. I think originally they  
20 said six thousand, and that's because there's a  
21 basement under half of it. six thousand figure  
22 stuck in my head, it included the basement.

23          MS. FRANKE: It's what?

24          MR. STEFFEN: 4200.



1           MR. ROREM: There was also last time  
2 windowless space in some of the designs. Has that  
3 be resolved?

4           MR. STEFFEN: There is windowless space, but  
5 they are not bedrooms, they are storage.

6           MR. ROREM: Could they be used as bedrooms?

7           MR. STEFFEN: I mean, I suppose anything could  
8 be used as a bedroom.

9           MR. ROREM: Yeah, that's true.

10          MR. STEFFEN: A closet could be used as a  
11 bedroom.

12          MR. ROREM: Do we have a layout we can see?

13          MR. STEFFEN: There's been no change to the  
14 layout. If this is something the Board wants to  
15 see, somehow remove rooms or something, let me know  
16 that, I'll take that back if that's the issue. But,  
17 to me, that's more of a code issue.

18                   Our issue here is this is a, this  
19 area is all C-2, yet almost every building is being  
20 used residential, either single family or multiple  
21 family. So we really are, this building would  
22 really, although it's not in the present zoning, all  
23 the property around it is multi-family or single  
24 family.

1 CHAIRMAN COWHIG: That's true.

2 MR. AMES: Some of the other questions we had  
3 was that you said that you would have two four-  
4 bedrooms and one three-bedroom apartment.

5 MR. STEFFEN: No, it's, well, it's got a --

6 MR. AMES: I mean, this is according to your  
7 plans, according to your testimony.

8 MR. STEFFEN: Okay.

9 MR. AMES: There's 8000 square feet.

10 MR. STEFFEN: Obviously that's wrong.

11 MR. AMES: That's cut in half. I'm just  
12 looking at the minutes so I can remember.

13 MR. STEFFEN: If I said that, then I clearly  
14 misspoke, because there's a three-person unit, a  
15 four-person unit.

16 MR. JARVIS: One with two bedrooms, one with  
17 three bedrooms, one with four.

18 MR. AMES: Could we get you sworn in, sir?

19 MR. JARVIS: Whatever you need.

20 MR. AMES: I think he needs to be sworn in.

21 CHAIRMAN COWHIG: Mr. Jarvis, you need to be  
22 sworn in.

23 MR. JARVIS: Yes, ma'am.

24 (Witness sworn.)

1 MR. AMES: State your name.

2 MR. JARVIS: Jeff Jarvis, architect.

3 CHAIRMAN COWHIG: As I recall, some of those  
4 windowless spaces were not marked storage, they were  
5 marked den.

6 MR. JARVIS: Number one is not to make those  
7 bedrooms. Bedrooms need to have egress windows.

8 CHAIRMAN COWHIG: But once the tenants moved  
9 in --

10 MR. JARVIS: You can't control. It's on  
11 paper, every home and every bedroom has to have  
12 egress. One of the units only has two qualified  
13 bedrooms, even though they're quite small. One has  
14 three and one has four, because that's all we could  
15 get on the exterior.

16 MR. STEFFEN: And I think the occupancy on  
17 those are two, three, total of eleven, wasn't it?  
18 The room sizes.

19 MR. JARVIS: Yeah, some only had one personal.

20 MR. STEFFEN: One bedroom, one bedroom, so  
21 there was a total, the bedroom sizes allows for --

22 MR. JARVIS: Twelve people.

23 MR. STEFFEN: Twelve people, okay.

24 CHAIRMAN COWHIG: If they were as crowded as



1 the code allows.

2 MR. JARVIS: Correct.

3 MR. STEFFEN: If they were as crowded as the  
4 code allows, yes.

5 CHAIRMAN COWHIG: It would be a total of  
6 twelve people.

7 MR. AMES: What would be the size? We got 25  
8 square feet in the minutes.

9 MR. STEFFEN: Under what their plans are  
10 doing, are dealing with the property that was  
11 already in this shape. These aren't newly  
12 constructed walls, these are the existing walls.

13 MR. AMES: That you converted.

14 MR. STEFFEN: The proposal --

15 MR. AMES: So you can take walls out and put  
16 walls in.

17 MR. STEFFEN: Right. Windows are being put in  
18 and fire walls are being put in.

19 All right, there are, one unit has  
20 two one bedrooms. Actually, this is a one person,  
21 too. So the, actually, three, one unit has three  
22 one-person bedrooms and one two-person bedroom, all  
23 right. Another unit has two two-person bedrooms.  
24 And the other unit has a two-person bedroom and a

1 one-person bedroom.

2 MR. JARVIS: So I misspoke. I said two, three  
3 and four -- it's two, two, and four. Two  
4 two-bedroom units and one four-bedroom unit.

5 MR. AMES: Two two bedrooms, the next one is  
6 one three bedroom.

7 CHAIRMAN COWHIG: No, one four bedroom.

8 MR. STEFFEN: The four bedroom has three one-  
9 bedroom units and one two-bedroom.

10 MR. JARVIS: Two person.

11 MR. STEFFEN: Two person, that's what I meant,  
12 person. Three one-person bedrooms and one two-  
13 person bedroom.

14 CHAIRMAN COWHIG: So that unit could, in  
15 theory, have five people.

16 MR. STEFFEN: Right.

17 MR. AMES: How many sections you got in that  
18 place? How many units are you going to put in  
19 there?

20 MR. STEFFEN: It's a three-unit.

21 MR. AMES: Three units, okay. So you talking  
22 three units are going to be two bedrooms and one is  
23 going to be four bedrooms.

24 MR. ROREM: Could we see the plans again?

1 MR. STEFFEN: Yeah.

2 MS. FRANKE: And, Mr. Cross, is this enough  
3 square footage, 4200 square feet, for three bedroom  
4 units? There's a total of eight bedrooms.

5 MR. AMES: Six bedrooms.

6 CHAIRMAN COWHIG: There's eight bedrooms.

7 MR. CROSS: Chairman Cowhig.

8 CHAIRMAN COWHIG: Yes.

9 MR. CROSS: Mr. Steffen indicated what the  
10 responses were from Mr. Banaziak?

11 CHAIRMAN COWHIG: No, we haven't gotten to  
12 that yet.

13 MR. CROSS: Okay. I didn't think I heard it.

14 CHAIRMAN COWHIG: Let's have a recess for a  
15 couple of minutes and look at the plans. Don't say  
16 anything official.

17 (Off the record. Then the  
18 following was had.)

19 CHAIRMAN COWHIG: Let us again come to order.  
20 Anything that we said while we were looking at the  
21 plans doesn't count unless you say it again for the  
22 record.

23 MR. STEFFEN: I was asked as to whether Code  
24 had actually looked at they plans, and they had.

1   Actually, Code had these plans before we came before  
2   you the last time and had indicated they were okay  
3   with the plans and they didn't need to send them out  
4   of house to have them looked at.

5           CHAIRMAN COWHIG:  And they are satisfied that  
6   they complied with all the City codes?

7           MR. STEFFEN:  That's correct.  Now, whether  
8   they're going to look at it again when we go to the  
9   permitting process, I don't know.  But we did give  
10   these plans to them.  They had them well before the  
11   last time we came here.

12          CHAIRMAN COWHIG:  Did I understand from the  
13   plans, did I understand correctly that two of the  
14   units have direct access to the basement?

15          MR. STEFFEN:  I don't think anyone has direct  
16   access.

17          MR. JARVIS:  Correct.  As a matter of fact,  
18   the basement is one basement.  Now, in order to keep  
19   the fire separation, we have to build a firewall in  
20   the basement.  So one has access to one-half, one to  
21   the other.  Otherwise, there would be a breach.  So  
22   the firewall has to be continuous, so all units are  
23   separated by --

24          CHAIRMAN COWHIG:  My question was do two of



1 the three units have their own staircase to the  
2 basement?

3 MR. JARVIS: Yes, they do, correct.

4 MR. STEFFEN: But they're separate.

5 MR. JARVIS: Separate, separated from each of  
6 the others so there's no breach in security or fire.

7 MR. ROREM: Where's the access?

8 MR. JARVIS: This unit has a stair coming  
9 down. Unit three has an access. Unit one is,  
10 actually, we're going to seal off the access because  
11 that would breach security issues, number one, but  
12 also the firewall has to be constructed there. So  
13 unit two has a basement access and unit three has a  
14 basement access. That's what I was saying before.  
15 Unit three can go to this basement that's already  
16 there, and the beauty of that is concrete floor that  
17 separate the unit above it.

18 MR. ROREM: And then 2 has access?

19 MR. JARVIS: Has access with this basement  
20 right below it.

21 MR. ROREM: This is the access?

22 MR. JARVIS: Yeah, firewall, by sealing that  
23 off, Unit 2 only has that basement. Unit 3 only has  
24 this basement.

1           MR. ROREM: And there is no basement under  
2 unit 1?

3           MR. JARVIS: No, right.

4           CHAIRMAN COWHIG: We really cannot hear you.  
5 We're back in session, so we need to hear what you  
6 are saying.

7           MR. JARVIS: It's elevated above sidewalk  
8 level. Can that be repeated? There's a stairs at  
9 the front of the unit. Those stairs just bring you  
10 from street level down into the unit, all right.  
11 There's a basement which is only under the south  
12 side of the building. That basement is divided at  
13 the same place the two units are divided. And the  
14 unit at the back has access to the basement at the  
15 back and the unit at the front has access to the  
16 basement underneath its unit.

17          CHAIRMAN COWHIG: And the third unit?

18          MR. STEFFEN: And the third unit has no access  
19 to any basement and has no basement.

20          CHAIRMAN COWHIG: The main floor is below  
21 grade?

22          MR. JARVIS: It's elevated above grade.

23          CHAIRMAN COWHIG: You go up into the building.

24                 Mr. Cross, did you have any questions

1 or comments on this application?

2 MR. CROSS: Yes, a couple of things. I did  
3 speak with Mr. Banaziak. I don't know if he  
4 submitted anything in writing. When he was  
5 reviewing these plans I had an opportunity to talk  
6 to him and he, I think he doesn't think it was a  
7 best fit, he had some concerns with the plan. Cite  
8 specific, if I to cite specific, I can't. I just  
9 know he had concerns with access of some of the  
10 bedrooms, some of the layout issues. He had some  
11 concerns with the proposed.

12 Another concern is the access to some  
13 of the doorways, if I recall, are going to be  
14 through what would be an agreed upon easement; is  
15 that correct? Does Mr. Steffen know about that,  
16 when they were talking about accessing some of the  
17 doors on the side from another property; is that  
18 correct?

19 MR. JARVIS: That northwest corner would have  
20 access from the rear.

21 MR. STEFFEN: Actually, the unit has either  
22 access from the front or access from the rear.

23 CHAIRMAN COWHIG: But does it depend on an  
24 easement?

1           MR. CROSS: That's the question, is there a  
2 recorded easement there. Because the problem  
3 becomes verbal agreements, you know, unless it's  
4 recorded with property. What happens if that  
5 property owner neighboring them, that property owner  
6 cannot commit the use of the property or, you know,  
7 to allow access unless it's recorded as part of the  
8 property record and is willing to do that.

9           CHAIRMAN COWHIG: Once again, we can't hear  
10 you.

11          MR. STEFFEN: Okay. There is a door. I'm not  
12 sure if we're talking about the same thing, Cliff,  
13 but we're talking about the door that is about  
14 midway down on the north side of the building. Is  
15 that what you are talking about?

16          CHAIRMAN COWHIG: That's one of his concerns.

17          MR. STEFFEN: That door, you don't even need  
18 that door. It could be a window.

19          CHAIRMAN COWHIG: But that room has no window.

20          MR. STEFFEN: That would be a window, you  
21 could replace the door with a window.

22          CHAIRMAN COWHIG: So that solves it.

23          MR. STEFFEN: That's not a necessary access to  
24 any of the unit, it's just an existing door that is



1 existing right now as a door.

2 CHAIRMAN COWHIG: How far is the north wall of  
3 the property of the building from the property line?

4 MR. STEFFEN: Looks to me like foot, two feet.

5 MR. JARVIS: Yeah, pretty close. It's an  
6 existing door and an existing sidewalk.

7 CHAIRMAN COWHIG: So is there an easement on  
8 that north side?

9 MR. STEFFEN: Well, are you asking is there a  
10 recorded easement? I don't know. It appears there  
11 is an easement because it's a concrete sidewalk  
12 that's in existence. So whether it's an easement by  
13 use, I can't, I mean, certainly it's been used as an  
14 easement, but whether or not there's any kind of  
15 recorded easement, I have no knowledge.

16 MR. AMES: We have, in the public comment  
17 section we had a lady that owned the building next  
18 to this.

19 MR. CROSS: Chairman Cowhig, did I hear  
20 correctly he was uncertain in the recorded easement?

21 CHAIRMAN COWHIG: Right.

22 MR. CROSS: One other concern that I have with  
23 this property is I recall from the plans they showed  
24 that it had zero lot lines, in other words, it's

1 right up to the property line. Now, that, in  
2 itself, makes any commercial use, service commercial  
3 legal non-conforming. The problem is if you rezone  
4 this, it doesn't completely resolve the problem of  
5 the use. You do assign an appropriate zoning class,  
6 underlying zoning class, but you still have the  
7 presence of the multiple family commercial dwelling  
8 because of the zero lot line setback.

9 So the question becomes if that was  
10 ever destroyed by fire beyond the restoration  
11 provisions, the applicant, or any future buyer,  
12 would have to understand that setbacks will need to  
13 be met, and the setbacks could make it very hard to  
14 put, you know, a three-unit back on there. I just  
15 want to make them aware of that.

16 The other thing is the underlying  
17 land use, you know, it's not consistent with the  
18 underlying land use. So it creates an issue where  
19 you are, in a sense, doing a rezoning that could be  
20 in conflict with the Comprehensive Plan.

21 CHAIRMAN COWHIG: Thank you.

22 Mr. Ames, you were about to say  
23 something?

24 MR. AMES: We're speaking on the sidewalk.

1 The lady that spoke, she gave a letter and pictures,  
2 I think the sidewalk belongs to her, at least that's  
3 what her testimony was. And it looks like the  
4 sidewalk is about two feet from the property line,  
5 two feet from the building. So it looks like the  
6 building is on the property line.

7 CHAIRMAN COWHIG: No, I think we just heard  
8 it's about two feet, on the north side.

9 MR. ROREM: 1.5 feet on the north.

10 MR. AMES: What's the side?

11 MR. STEFFEN: That's the side you are talking  
12 about?

13 MR. ROREM: That's the side, one and a half  
14 feet off the property line, 18 inches. And on the  
15 south it's almost on it, one and a half feet, right  
16 there.

17 CHAIRMAN COWHIG: So even if the zoning were  
18 granted so that the use was conforming, the building  
19 would still be non-conforming.

20 MR. CROSS: Correct.

21 CHAIRMAN COWHIG: And short of hundreds of  
22 thousands of dollars, we can't change that.

23 MR. AMES: No.

24 MR. CROSS: Right.



1           CHAIRMAN COWHIG: If we recommend approval of  
2 the change of zoning, we are not taking a position  
3 on the floor plan. That's not our responsibility.  
4 We don't have authority over that.

5           MR. CROSS: Correct. The floor plan can  
6 change, as long as it's in compliance with the Code,  
7 you are absolutely correct.

8           MS. FRANKE: I have some concerns, because I  
9 thought I heard you say, Mr. Cross, that  
10 Mr. Banaziak had some concerns, and we don't have  
11 those in front of us in writing or verbal from  
12 Mr. Banaziak.

13          CHAIRMAN COWHIG: But since that isn't part of  
14 our responsibility, if the zoning were granted, the  
15 owner couldn't do anything except in compliance with  
16 Code.

17          MS. FRANKE: All right. Then I do have a  
18 concern, and I think this is part, is density,  
19 because what is proposed is one four-bedroom and two  
20 two-bedroom, which is eight. And while you may say  
21 one is a one-bedroom or one-person bedroom, there's  
22 a potential for 16 or more people to be in that,  
23 those three units, and that is a lot of density.

24                           And I also, what is the exact



1 requirement for the parking, this one four-bedroom?

2 CHAIRMAN COWHIG: For unit of two bedrooms or  
3 more, there must be two off-street parking spaces.

4 MS. FRANKE: So six.

5 CHAIRMAN COWHIG: For every four spaces  
6 required there must be an additional one.

7 MR. ROREM: Would that not be eight?

8 MR. STEFFEN: When you hit eight, you probably  
9 have to have two, or ten.

10 MR. ROREM: Any increment over four, does that  
11 require us to have eight parking places?

12 CHAIRMAN COWHIG: Did you hear that,  
13 Mr. Cross?

14 MR. CROSS: I didn't hear all of it, but what  
15 was it?

16 CHAIRMAN COWHIG: If the number of bedrooms  
17 requires six parking spaces, then does that guest  
18 parking requirement mean one or two?

19 MR. CROSS: It would be just based on the  
20 total number required for the unit. Based on that,  
21 it would be one.

22 CHAIRMAN COWHIG: So if there are more than  
23 four, you don't have to have a second guest space  
24 until you have eight bedrooms?

1 MR. CROSS: Correct.

2 CHAIRMAN COWHIG: So it's seven. We can't  
3 hear you.

4 MR. CROSS: A lot of it depends on the  
5 interpretation at the time. I would interpret that  
6 provision as you not needing that additional space  
7 until you hit the increment four.

8 Now, you may get another planner that  
9 says that their interpretation is that as you go up,  
10 if you hit six you can't have half a space so they  
11 automatically say, their interpretation, that adds  
12 that extra space. But, for the record, the way it's  
13 interpreted here is I don't make that, I do not  
14 require that second guest space until they get the  
15 second increment of four. Does that make sense?

16 CHAIRMAN COWHIG: It certainly is clear. So  
17 the requirement is a total of seven.

18 MR. CROSS: Yes.

19 MS. FRANKE: Thank you.

20 MR. ROREM: At the risk of acting out of where  
21 we are, in unit one there is a den has no windows.  
22 With the addition of one wall that runs to the east  
23 of the den in the same plan as the wall that  
24 separates the den from the north, the bedroom north

1 of it would allow two larger bedrooms and the walls  
2 to the den could be eliminated, which would  
3 eliminate a windowless room in that unit. Now,  
4 that's a code issue, it's not a planning issue, but  
5 I'd like at least to have that said.

6 CHAIRMAN COWHIG: Thank you.

7 MR. STEFFEN: Thank you.

8 MR. AMES: Also, on that density, you are  
9 saying that only going to be one person for bedroom.

10 MR. STEFFEN: I'm saying when you have a  
11 bedroom that's 89 square feet or 80 square feet, you  
12 cannot put somebody more than one person in it.

13 MR. AMES: Do you have plans, future plans  
14 this been a rooming house, then, or boarding house?

15 MR. STEFFEN: No, it's a three-unit.

16 MR. AMES: I know what you are presenting, but  
17 with only have one person per room, per bedroom, you  
18 can very easily turn that into a boarding house.  
19 They do it in college towns all the time, same  
20 amount of students, kitchen, one bedroom, you know.

21 MR. STEFFEN: I'm sure that will be, that's a  
22 Code Enforcement issue, certainly.

23 MR. AMES: No, that would be a zoning issue  
24 also, because if you go to a boarding house from a



1 single residential to a boarding or rooming house  
2 it's entirely different in zones.

3 MR. STEFFEN: We're not seeking that.

4 MR. AMES: I know, but I said the potential is  
5 there for that. You keep saying only one-person  
6 room and a two-person room unit. I'm just listening  
7 to what you are saying. Instead of saying it's  
8 going to be a one-family or two-family or one  
9 bedroom, you know, and you saying that it's like 12  
10 people. And when we look at it, we go with a  
11 family, single parent with two kids or single parent  
12 with one kid is still going to come out to be more  
13 than eight. If you put two people in each bedroom,  
14 you are going to have 16.

15 MR. STEFFEN: If you are going to put two in,  
16 why don't you put four in?

17 MR. AMES: Well, you have 32.

18 MR. STEFFEN: Stack them, put bunk beds in all  
19 of them.

20 MR. AMES: Density problem, we're looking at  
21 density.

22 MR. STEFFEN: I understand that. What I'm  
23 telling you is the code limits what can go in this  
24 building. A bedroom limit, the size of your bedroom



1 limits the occupancy.

2 MR. AMES: That's true.

3 Cliff, what's the zoning for a  
4 rooming house?

5 CHAIRMAN COWHIG: Mr. Cross?

6 MR. CROSS: Yes, ma'am.

7 CHAIRMAN COWHIG: Did you hear that question?

8 MR. CROSS: No, I did not, not all of it.

9 Could you repeat it for me, please?

10 CHAIRMAN COWHIG: What are the requirements  
11 for a rooming house, what zones are permitted?

12 MR. CROSS: Rooming house requires conditional  
13 use permit in all zoning districts, so regardless of  
14 the zoning district it requires a conditional use  
15 permit.

16 CHAIRMAN COWHIG: And what's the distinction  
17 between a rooming house and a unit that is occupied?

18 MR. CROSS: Rooming house houses, typically  
19 each unit is not typically self-sustainable, in  
20 other words, it doesn't have the kitchen capability  
21 that can accommodate the unit, the bathroom  
22 facilities sometimes are not their own, so it's not  
23 a self-sustainable stand-alone unit.

24 CHAIRMAN COWHIG: Well, if an apartment in a

1 multi-family building such as is proposed were  
2 rented to single adults --

3 MR. CROSS: There is, that is in place and  
4 accommodates, and if I understood your question, and  
5 accommodates single adults only and using the  
6 common --

7 CHAIRMAN COWHIG: The kitchen and the living  
8 room and the bathroom.

9 MR. CROSS: They have their own living room  
10 and bathroom, do they have their own kitchen?

11 CHAIRMAN COWHIG: There's one kitchen for the  
12 unit.

13 MR. CROSS: Okay, so that's a single unit.  
14 Now, if it has the extra bedroom, and if I recall a  
15 couple of these apartments have, one of them I know  
16 has four bedrooms, if I recall, if the intent is to  
17 have a single unit there and then have the ability  
18 to rent out one of those bedrooms as a room house,  
19 then it would require a conditional use permit.  
20 That is exactly one of the concerns I have with that  
21 floor plan of what is shown because the bedrooms,  
22 the way they're laid out, you keep talking about  
23 having seven parking spaces to accommodate a  
24 three-unit. Well, you have a four-bedroom. Is

1   there a potential to have that?  Yes, there's a  
2   potential to have with any multi-family.  One thing  
3   you need to make clear is they have to understand  
4   they can't do that, unless they get a conditional  
5   use permit, which has a rezoning.

6           CHAIRMAN COWHIG:  We've touched on this  
7   before.  How many unrelated people can be in a unit  
8   and still comply with the single family condition?

9           MR. CROSS:  There's never been a number set.  
10   The question came up on that.  They never moved  
11   forward with it.  The definition is you have to live  
12   in there as a family unit.  Now, you know what a  
13   family unit --

14          CHAIRMAN COWHIG:  That's an ambiguous term.

15          MR. CROSS:  If you have an individual that, in  
16   a sense, is signing a lease on the side to rent a  
17   bedroom, that's not a family unit.  And I will be  
18   honest, that's a tough one to enforce.

19          MR. ROREM:  Mark, how long has Dr. Awa owned  
20   the property?

21          MR. STEFFEN:  You know, I don't know that  
22   question.  I just know it's been empty for a long  
23   time.  I don't know how long.

24          MR. CROSS:  Any estimate?



1 MR. STEFFEN: I don't, I'm sorry.

2 MR. MCCracken: Six months or six years?

3 MR. STEFFEN: I don't know.

4 MR. ROHDER: I don't know for sure. It's been  
5 a while, though. It's been over ten years or so.

6 MR. MCCracken: What was it used for when he  
7 purchased it?

8 MR. STEFFEN: I don't know. I thought it's  
9 last use was like an education building for the high  
10 school or something.

11 MR. ROHDER: A GED, I don't know for sure,  
12 again, but they had GED classes in there.

13 MR. STEFFEN: And I don't know whether they  
14 used the whole building or just parts of it. But  
15 that's my recollection.

16 MR. ECKHARDT: Your minutes from the last time  
17 I believe the last people that lived there was eight  
18 or nine years. And you also commented about the  
19 building hadn't been occupied for four or five years  
20 and the roof was all shot. They haven't don't  
21 nothing to that yet.

22 MR. STEFFEN: Yeah, they can't get a permit,  
23 of course.

24 MR. ECKHARDT: What do you want to do with it?



1 You going to tear it down or fix it up?

2 MR. STEFFEN: The goal is to fix it up. As  
3 soon we can get proper zoning, then we can seek a  
4 permit. We cannot get a permit because the plan to  
5 make it a three-unit requires a change in zoning.  
6 That's why we're here. We need you to recommend.

7 MR. ECKHARDT: Well, the building has been  
8 empty that long and it's that shot, it's going to  
9 cost a fortune. You might as well tear the thing  
10 down and put up a new one.

11 MR. STEFFEN: It's not my dollar, not my  
12 choice, and I've actually never been in the  
13 building, I've only looked at it from the outside.  
14 But I know that the storms have just been wrecking  
15 havoc on the inside of the building.

16 MS. HARRIS: Is there a plan to do anything  
17 with the outside facade after you get past the front  
18 part? That used to be the milk company's office.

19 MR. ROHDER: I talked to Dr. Awa and he said  
20 whatever is necessary that he's going to put --

21 CHAIRMAN COWHIG: Excuse me, you have not been  
22 identified on the record.

23 MR. STEFFEN: Actually, he may have been at  
24 the last time.

1 MR. ROREM: Let's do it again.

2 MR. STEFFEN: Okay.

3 CHAIRMAN COWHIG: Do it again, please.

4 MR. STEFFEN: I know that part of the outside  
5 is going to look different because windows are going  
6 in, so that will make some difference.

7 MS. HARRIS: But still it's a crappy looking  
8 building. It doesn't match.

9 CHAIRMAN COWHIG: You need to be sworn.

10 (Witness sworn.)

11 CHAIRMAN COWHIG: State your name.

12 MR. ROHDER: David Rohder.

13 CHAIRMAN COWHIG: Go ahead.

14 MR. ROHDER: I spoke to Dr. Paul Awa about the  
15 outside of the building and he said whatever is  
16 necessary that he'll do to, you know, improve it. I  
17 don't know if he's talking siding or painting or  
18 whatever, but he said whatever is necessary.

19 CHAIRMAN COWHIG: What is your pleasure?

20 MS. FRANKE: Mr. Cross, what are your  
21 recommendations?

22 CHAIRMAN COWHIG: Mr. Cross?

23 MR. CROSS: What's that?

24 CHAIRMAN COWHIG: The question was what is

1 your recommendation on this case?

2 MR. CROSS: I'm not comfortable with it. My  
3 recommendation is for denial. I had to recommend  
4 denial on Mrs. Redmond's and this is really no  
5 different, based on the fact that it just is not  
6 consistent--

7 MR. STEFFEN: I'm sorry, what was that?

8 CHAIRMAN COWHIG: He said it's not consistent.  
9 Not consistent with what?

10 MR. CROSS: With the comp plan, the underlying  
11 zoning that surrounds it, it's just not consistent.

12 MR. STEFFEN: Okay. I just would point out to  
13 you that all of the things that you raised when you  
14 said you had concerns were issues of code, which I  
15 think are all things that we can deal with with  
16 Code. And that also even though it may be zoned and  
17 that whole block may be zoned commercial, its  
18 current use is all multiple or single family.

19 MR. CROSS: I understand, and I'm just voicing  
20 what some of the concerns that were related to me by  
21 Mr. Banaziak. My concern is with the underlying  
22 zoning that surrounds that property. In a sense you  
23 are creating a zoning class that's inconsistent with  
24 the surrounding zoning, and that is not consistent



1 with the current zoning in the area. I understand  
2 there's the existence of some legal non-conforming  
3 residential uses around it.

4 MR. STEFFEN: All of them, Cliff.

5 MR. CROSS: But it's inconsistent with the  
6 underlying zoning in the neighborhood.

7 MR. STEFFEN: But all of the neighborhood,  
8 then, is non-conforming use, correct? Cliff?

9 CHAIRMAN COWHIG: Mr. Cross?

10 MR. CROSS: What? Something about  
11 non-conforming use, what was that?

12 MR. STEFFEN: All of that neighborhood is  
13 non-conforming use, correct, because everything  
14 except the one on the corner is residential.

15 CHAIRMAN COWHIG: But it's zoned commercial.

16 MR. CROSS: Regardless, --

17 MR. STEFFEN: But am I correct about that?

18 MR. CROSS: -- the simple fact of the matter  
19 is you cannot, if you rezone the property you are  
20 being inconsistent with surrounding zoning of the  
21 neighborhood, and you need to be very careful that  
22 you remain consistent with the surrounding zoning.  
23 You do not want incompatible uses that could  
24 potentially arise. For example, what happens if



1 people next to that legal non-conforming residential  
2 dwellings knock them down, consolidate it, put a gas  
3 station right next to it.

4 MR. STEFFEN: Put a what?

5 MR. CROSS: And there's nothing we can do  
6 about that if the surrounding zoning is C-2. So the  
7 point is you are putting, you are creating a  
8 situation where you could create incompatible uses.

9 MR. STEFFEN: So you are saying we could put a  
10 gas station here next to the neighbor who came in  
11 last time, the single family lady next door, right,  
12 we could put a gas station next to her because she's  
13 a current non-conforming use, and that's what your  
14 concern is.

15 MR. CROSS: Mr. Steffen, you can put a gas  
16 station on that lot now if you tore it down based on  
17 the current zoning.

18 MR. STEFFEN: Right.

19 MR. CROSS: The point is, you are creating a  
20 situation where you could, in the future, have a  
21 whole row of commercial uses on that but you have  
22 one lot right in the middle that has a multi-family  
23 because you rezoned it.

24 MR. STEFFEN: But that's the only solution,

1    isn't it, to putting a three-unit there?

2           MR. CROSS:  I'm not saying either way is right  
3    or wrong, all I'm saying is you are, in a sense,  
4    taking a non-conforming situation where you had a  
5    non-conforming commercial structure and you are  
6    creating a situation where you can now have a  
7    non-conforming residential structure that is in the  
8    middle of a commercially zoned neighborhood.  That's  
9    what I'm saying.

10          CHAIRMAN COWHIG:  Are you ready to act?

11                 Do you have further questions,  
12    comments, concerns?

13          MS. HARRIS:  I still feel that we're going to  
14    have too many people crammed into one building.  
15    There is no yard to speak of at all.  There's no  
16    place for kids.  We're putting up these apartment,  
17    we're claiming they're going to have bedrooms for  
18    two and three kids -- what are you going to do with  
19    them?  Where are they supposed to play, on that  
20    strip of concrete that goes between two houses to  
21    the north?  That's not a playground.  Kids need a  
22    place to play and they need room, because kids don't  
23    necessarily mesh like you might like them to.  You  
24    are going to have disputes, you are going to have

1 adults get into the disputes because they're all  
2 crammed in this one building. It's too many people.

3                   And I thought all along it's been one  
4 of our problems is the density in these  
5 neighborhoods that have been so chopped up and made  
6 into multiple units. We're trying to get away from  
7 that. We're trying to go back to one- and  
8 two-family homes where we possibly can, instead of  
9 having these old houses that have got two, three,  
10 four, five apartments. They get shabby real fast  
11 when you have that many people there.

12                   And we have to think about the people  
13 who live in the other houses. The lady who came in  
14 and spoke last meeting takes pretty good care of her  
15 property, from all appearances. But how do you deal  
16 with five, six, seven kids that live next door to  
17 you who have no place to play? And if you don't  
18 have a heart of steel you are going to finally wind  
19 up letting them play on your property along with  
20 yours. So your yard takes a beating because it's  
21 not got just your own family, we have all these kids  
22 from next door. I don't feel comfortable with that  
23 many people in that building with no yards.

24                   I raised five kids, I know what it's



1 like. We had 40 on our block and let me tell you,  
2 some of our yards got used a lot more than others.

3 MR. STEFFEN: It was a wonderful thing, wasn't  
4 it?

5 MS. HARRIS: It was good and it was bad. I  
6 kept mine in my yard so I knew where they were.  
7 Therefore, the other kids, if they wanted to play  
8 with them, had to come to my yard. They also had to  
9 abide by my rules -- but not all families do that.

10 MR. ROREM: As point of conversation, how  
11 would you feel if it was a two-unit instead of a  
12 three-unit?

13 MS. HARRIS: If it was two units and they had  
14 four bedrooms apiece, you still got a lot of kids.  
15 And when they say a bedroom for one person, guess  
16 what, our girls had triple stacked bunk beds. Our  
17 boys had just a plain old bunk bed. We had five  
18 kids and we only had two bedrooms to put them in,  
19 and that's what people do. And some of the families  
20 that I'm seeing now, I don't know where the kids are  
21 all coming from, but they've sure got a lot of them.

22 And Code says they can only have this  
23 and Code says that but, you know what, if you came  
24 around and checked most of these rentals you are



1 going to find there's a way lot more people in them  
2 than what are supposed to be, especially when you  
3 look out here, the cars parked Chicago style from  
4 one corner to the other corner, you can barely walk  
5 between cars, you know there's more people there  
6 than should be there.

7 MR. ROREM: We don't have a definition yet of  
8 density in our zoning ordinances.

9 CHAIRMAN COWHIG: What do you mean a  
10 definition?

11 MR. ROREM: We use family as an organizing  
12 tool. Square feet per occupancy may be something we  
13 might want to consider in the future. I think the  
14 housing code has such a standard, but it's a very  
15 low standard.

16 MR. CROSS: The housing code has a standard in  
17 reference to what?

18 CHAIRMAN COWHIG: Square feet per unit, per  
19 person in the unit.

20 MR. CROSS: Yes, it does. I believe, right  
21 off the top of my head I think, and don't quote me  
22 on these because they might have changed, I think it  
23 can be for every bedroom unit for one person it was  
24 70 square feet and two people per bedroom 120 square

1 feet. That may have changed a little bit, but  
2 they're in the ball park.

3 MR. ROREM: I offer what we should be  
4 considering is the square footage of the unit and  
5 how many square feet are available per person in a  
6 unit. For instance, if it's 200 square feet per  
7 occupant or 300 square feet per occupant or 400  
8 square feet per occupant, that may be something in  
9 the future we might want to entertain.

10 MR. AMES: Also, we consider rezoning from  
11 commercial to R-3, is that my understanding of the  
12 application?

13 MR. STEFFEN: R-2, I think.

14 CHAIRMAN COWHIG: R-3.

15 MS. FRANKE: From C-2 to R-3.

16 MR. STEFFEN: C-2 to R-3, okay.

17 MR. AMES: And the surrounding area are C-2s,  
18 isn't it?

19 MR. STEFFEN: Yeah, everything is C-2 is my  
20 understanding.

21 CHAIRMAN COWHIG: Several blocks of Washington  
22 are C-2.

23 MR. AMES: And we have no R-3s in that area.  
24 If I can remember, it goes from that to single

1 family R-1s, if I remember the map right.

2 MR. ROREM: There's the Model Motel.

3 MS. HARRIS: Let me ask you this. If you have  
4 a unit that's --

5 MR. AMES: I think this, we should be  
6 considered the zoning.

7 MS. HARRIS: And you have an application and  
8 you know the code says you can only have so many  
9 individuals. Do you actually ask these people, now,  
10 how many people have you got and you are not going  
11 to rent to them if they've got more people than what  
12 the square footage allows?

13 MR. ROHDER: You are only allowed to allow  
14 whatever the bedroom capacity is.

15 MS. HARRIS: But do people really do that? Do  
16 people actually look at that?

17 MR. ROHDER: Code Enforcement should, it's  
18 their job.

19 MS. HARRIS: But the landlord?

20 MR. ROHDER: I can't say if somebody is going  
21 to do that or not.

22 MR. STEFFEN: I do.

23 MS. HARRIS: You do?

24 MR. STEFFEN: Sure. But I only rent to one



1 person because it's a lot easier to evict one  
2 person. I only include one person, and then the  
3 people that get to live there with them that is on  
4 the lease.

5 MS. HARRIS: What do you do with this unit  
6 that's supposedly only going to support four people,  
7 oh, my gosh, guess what, we have another one on the  
8 way now? Are you going to say you have to move, you  
9 just don't have enough room?

10 MR. STEFFEN: You have to, you have no  
11 choice -- they have no choice, really.

12 MR. ROHDER: I think the apartments are  
13 supposed to be inspected once a year for code for  
14 reasons on that.

15 MR. STEFFEN: Seventy square feet is a  
16 freakingly small space. The amount that they allow  
17 for one bedroom is just really small.

18 MS. HARRIS: My one bedroom was probably  
19 basically that.

20 MR. ROHDER: You are not going to --

21 CHAIRMAN COWHIG: Hold on, one at a time.

22 MR. STEFFEN: I just think you need to  
23 recognize that even though the zoning is C-2, the  
24 current use is all residential and



1 multi-residential. I mean, the closest commercial  
2 use is another block down on the other side of the  
3 street, the laundromat. And, you know, maybe some  
4 day it will all be commercial, but it's certainly  
5 all residential now.

6 MS. FRANKE: I think regardless of what the  
7 other properties are surrounding, because all of  
8 South Washington is C-2, if you look at the map, all  
9 of it is, it is incompatible. And if someone were  
10 to buy property surrounding and we granted this as  
11 an R-3, they could have C-2 property and it would be  
12 an incompatible use and it would be inappropriate.  
13 And, really, the property isn't suitable for this  
14 because it's in a C-2, because, just because of all  
15 of the surrounding zoning is all C-2 on all South  
16 Washington, that portion.

17 MR. AMES: And the next closest thing to that  
18 going to the west is all R-1 all the way you get the  
19 Main Street, even past Main, the easy bump way we  
20 call it, past Jensen's, and then the commercial  
21 starts up again. We changed it to C-2 because of  
22 the gas station, Hubly's Towing.

23 MR. STEFFEN: Clearly, at one time this must  
24 have been residential because those houses that were

1 built were built residential, they weren't built  
2 commercial. So the zoning must have been  
3 residential at one time. I don't know when it went  
4 C-2.

5 CHAIRMAN COWHIG: I imagine most of that  
6 stretch of Washington was developed before there was  
7 a zoning ordinance. Those are old houses.

8 MR. STEFFEN: Yes.

9 CHAIRMAN COWHIG: What is your pleasure?

10 MS. FRANKE: Okay. In the case of PB 11-07,  
11 an application by Paul Awa requesting a map  
12 amendment to rezone the property commonly known as  
13 1063 South Washington from C-2 service commercial to  
14 R-3 multi-family residential to accommodate a  
15 proposed three-unit multi-family complex, I make a  
16 motion that we deny due to the incompatibility of an  
17 R-3 in a totally surrounding underlying C-2 service  
18 district. This would make this property unsuitable  
19 for the proposed use in the C-2 commercial area, and  
20 it would be incompatible to have a spot R-3.

21 CHAIRMAN COWHIG: Is there a second?

22 MR. MCCracken: Second.

23 CHAIRMAN COWHIG: Motion by Ms. Franke,  
24 seconded by Mr. Berry McCracken, is to recommend

1 denial of the requested change in zoning.

2 Any discussion? If not, Mr. Cross,  
3 would you call the roll, please.

4 MR. CROSS: I will.

5 CHAIRMAN COWHIG: A yes vote is to deny.

6 MR. CROSS: Which vote is to deny?

7 CHAIRMAN COWHIG: Yes.

8 MR. CROSS: Okay. Edwin Eckhardt.

9 MR. ECKHARDT: Yes.

10 MR. CROSS: Carole Franke.

11 MS. FRANKE: Yes.

12 MR. CROSS: Rayleen Harris.

13 MS. HARRIS: Yes.

14 MR. CROSS: Marsha Lloyd. Berry McCracken.

15 MR. MCCRACKEN: Yes.

16 MR. CROSS: Debra Terrill. Chip Rorem.

17 MR. ROREM: Abstain.

18 MR. CROSS: Willie Ames.

19 MR. AMES: Yes.

20 MR. CROSS: Loretto Cowhig.

21 CHAIRMAN COWHIG: Yes.

22 MR. CROSS: Motion to deny recommended.

23 It will appear during the July 18th  
24 City Council meeting.



1           MR. STEFFEN: Thank you. Thank you very much  
2 for your time.

3           CHAIRMAN COWHIG: Thank you, Mr. Steffen.

4                   We don't have any new business on the  
5 agenda unless, Mr. Cross, you have something up your  
6 sleeve.

7           MR. CROSS: No, I have nothing new.

8           CHAIRMAN COWHIG: Okay, then, we are  
9 adjourned.

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1 STATE OF ILLINOIS     )  
2 COUNTY OF KANKAKEE    )

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4                   I, DEBRA K. TURRELL, CSR, RPR, and Notary  
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